

BEFORE: VIKTOR V. POHORELSKY  
U.S. MAGISTRATE JUDGE

DATE: 1/11/18  
START TIME: 10:00 a.m.  
END TIME: 10:35 a.m.  
JUDGE: DLI

DOCKET NO. CV-97-7285

CASE NAME: DMJ Associates, LLC v. Capasso, et al.

CIVIL CONFERENCE

PURPOSE OF CONFERENCE: Telephone Status

APPEARANCES: Plaintiffs Allen Reiter, Jennifer White (Quanta); Maura Sommer (Exxon/Mobil)  
Defendants William Hatfield, Adam Arnold (Gibbons Group); Sandra Levy (U.S.); Sean Monaghan (Wyman-Gordon); Jerome Muys (Emhart); Duke McCall (TDY)

SCHEDULING AND RULINGS:

1. Discussions held concerning the status of settlement document preparation; another round of drafts have been reviewed by the private third-party defendants, the gov't and the third-party plaintiffs. Although issues are narrowing, some remain to be resolved including the assumption of potential credit risk and the scope of the releases to be provided. Active discussion concerning those matters, as well as responses to the current drafts, is expected to occur prior to the next telephone conference scheduled below.
2. The third-party plaintiffs and the government continue their efforts to resolve an issue that may necessitate further discussions with the court, and they will advise the court if the conference now set for **January 17, 2018 at 11:00 a.m.** will still be required. As before, if a conference is required interested non-parties are urged to attend if their participation will advance the discussions. Although full participation by teleconference cannot be arranged, the court will allow those unable to attend in person to be heard by telephone. By the close of business on January 15, 2018, counsel may each submit, *ex parte* by e-mail, a brief statement of their respective positions concerning the open issue (Court e-mail: viktor\_pohorelsky@nyed.uscourts.gov).
3. A status conference by telephone with all parties will be held on **January 24, 2018 at 1:30 p.m.** Counsel for the Gibbons Group will undertake the arrangements for the conference call.